

REMARKS

Claims 1-15 were examined. Claims 1-6, 8 and 9 stand rejected under 35 U.S.C. § 102(b) over Ozawa, Japanese Patent Application Publication 06-222797. Claim 7 is rejected under 35 U.S.C. § 103(a) over Ozawa in view of Paksoy, U.S. Patent No. 6,148,282. Claims 10-15 are rejected under § 103(a) over Ozawa in view of Atal, U.S. Patent No. 4,220,819. Further, claim 12 is objected to.

By this amendment, Applicant cancels claims 2, 4 and 12-15, and traverses the remaining rejections.

In paragraph 2 of the Office Action, claim 12 is objected to because it does not end in a period. Claim 12 has been canceled, mooted the objection thereto.

In paragraph 3 of the Office Action, claims 1-6 and 8-9 are rejected under § 102 over Ozawa. Claims 2 and 4 have been canceled, mooted the rejections thereof. Applicant traverses the remaining rejections on this ground for the following reasons.

Nowhere does Ozawa show or suggest, as required by independent claims 1 and 3 of the present application, a speech coder including an excitation quantizing unit that employs a “plurality of shift amounts for shifting pulse positions of said pulses.” Similarly, nowhere does Ozawa show or suggest, as required by independent claim 5, a speech coder including an excitation quantizing means that employs “a plurality of shift amounts for temporally shifting predetermined positions of the pulses.” Ozawa simply lacks this teaching. In view of the above, independent claims 1, 3 and 5 are patentable under § 102 over Ozawa. Withdrawal of the rejections of independent claims 1, 3 and 5, and dependent claims 6 and 8-9 thereon, is thus respectfully requested.

In paragraph 4 of the Office Action, claim 7 is rejected under § 103 over Ozawa in view of Paksoy. However, Paksoy does not cure the deficiency of Ozawa described

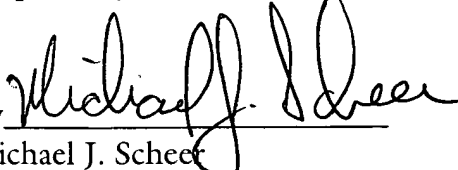
above with respect to independent claims 1, 3 and 5. Thus, claim 7 is patentable under § 103 over Ozawa in view of Paksoy. Withdrawal of the rejection of claim 7 on this ground is thus respectfully requested.

In paragraph 5 of the Office Action, claims 10-15 are rejected under § 103 over Ozawa in view of Atal. Claims 12-15 have been canceled, mooting the rejections thereon. Further, as with Paksoy, Atal does not cure the deficiency of Ozawa described above with respect to independent claims 1, 3 and 5. Thus, claims 10-11 are patentable under § 103 over Ozawa in view of Atal. Withdrawal of the rejection of claims 10-11 on this ground is thus respectfully requested.

Applicant has shown that all pending claims are patentable under §§ 102 and 103. In view of the above, each of the presently pending claims is currently in a condition for allowance and such action is earnestly solicited.

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Respectfully submitted,

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